

Congress of the United States
Washington, DC 20515

January 13, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Regan:

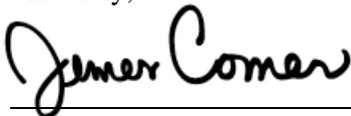
Over the last 17 months, Congress has written you several times, questioning the Environmental Protection Agency's (EPA) final rule revoking all tolerances for chlorpyrifos on food products. We think this action failed to follow sound science and continues to negatively impact farmers and ranchers who provide consumers with the safest, most abundant, and most affordable food supply in the world. We write to express further concerns about the recently published Notice of Intent to Cancel (NOIC) the registration of chlorpyrifos.

Following the August 2021 revocation of tolerances and the February 2022 denial of objections to the revocation, several agricultural groups and a registrant challenged the decision in the United States Court of Appeals for the Eighth Circuit. Specifically, the petitioners sought to retain the 11 food uses for chlorpyrifos the EPA determined could still meet the Agency's safety findings in a proposed interim decision (PID) issued in 2020. This case, known as *Red River Valley Sugarbeet Growers Association et al. v. Regan*, was heard on December 15, 2022.

On December 14, 2022, just one day before oral arguments, the EPA published the NOIC, which would cancel the registration of chlorpyrifos for the remaining 11 uses that EPA's own scientists have determined to be safe. While EPA did provide the United States Department of Agriculture (USDA) with an opportunity to review and comment on the draft NOIC in August 2022, the NOIC was still published, despite objections laid out by USDA in writing on September 11, 2022.¹ USDA instead expressed their strong support for "an Agency-initiated action to reestablish tolerances for and ultimately retain chlorpyrifos uses that meet the Agency's safety finding" from the 2020 PID.

Because of the pending litigation in the Eighth Circuit on the revocation of tolerances and the opposition by USDA to the NOIC, we respectfully request EPA immediately withdraw the NOIC published in the Federal Register on December 14, 2022.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Glenn "GT" Thompson
Chairman
House Committee on Agriculture



Frank D. Lucas
Chairman
Committee on Science, Space, and Technology

¹ <https://www.regulations.gov/document/EPA-HQ-OPP-2022-0417-0002>